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BILL NO. 2018-16

ORDINANCE NO. 6624

AN ORDINANCE TO AMEND LVMC CHAPTER 7.14 PERTAINING TO THE SPAYING OR NEUTERING OF ANIMALS; GENERALLY REQUIRING THE SPAYING OR NEUTERING OF FERRETS, RABBITS AND POTBELLIED PIGS; REMOVING AN EXEMPTION FROM THE SPAYING OR NEUTERING REQUIREMENT FOR SERVICE ANIMALS; REQUIRING CERTAIN ESTABLISHMENTS THAT SELL OR MAKE AVAILABLE FOR ADOPTION CERTAIN ANIMALS TO PROVIDE NOTIFICATION REGARDING THE REQUIREMENTS OF LVMC CHAPTER 7.14 AND TO INCLUDE THE COST OF SPAYING OR NEUTERING WITHIN THE COST OF TRANSACTIONS REGARDING SUCH ANIMALS; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven G. Seroka

Summary: Amends LVMC Chapter 7.14 to generally require the spaying or neutering of ferrets, rabbits and potbellied pigs; remove an exemption from the spaying or neutering requirement for service animals; and require certain establishments that sell or make available for adoption certain animals to provide notification regarding the requirements of LVMC Chapter 7.14 and to include the cost of spaying or neutering within the cost of transactions regarding such animals.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 7, Chapter 14, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.14.010: Except as otherwise provided in Section 7.14.020, it is unlawful for any person to harbor within the City any [dog or cat] dog, cat, ferret, rabbit or potbellied pig over the age of four months that has not been spayed or neutered. For purposes of this Section, the term "harbor" means to have legal ownership of, or to provide, on a regular basis, care, shelter, protection, refuge, nourishment, or medical treatment.

SECTION 2: Title 7, Chapter 14, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.14.020: Section 7.14.010 does not apply to the harboring of [a dog or cat:] an animal:

(A) That is incapable of breeding, as determined in accordance with Section 7.14.030;

(B) That is medically unsuited to undergo a spay or neuter procedure, as determined in

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1 accordance with Section 7.14.030;

2 (C) That has received appropriate training (and certification by a recognized agency, if
3 such certification is available), and is being used:

4 (1) By a law enforcement agency for law enforcement activities; or

5 (2) By a search and rescue agency for search and rescue activities;

6 [(3) As a service animal, such as a guide animal, hearing animal, assistance
7 animal, seizure alert animal, or social/therapy animal;]

8 (D) By a pound, shelter, humane society or similar organization, whether public or
9 private, the principal purpose of which is securing the adoption of [dogs or cats,] animals, provided that such
10 organization has a policy and rules requiring the spaying or neutering of all [dogs and cats] dogs, cats, ferrets,
11 rabbits or potbellied pigs placed for adoption by such organization; or

12 (E) By a person holding a valid dog fancier's permit, cat fancier's permit, breeder's
13 permit, or professional animal handler's permit issued pursuant to this Title. The exemption provided by this
14 Subsection (E) does not apply to a potbellied pig subject to the requirements of LVMC 7.38.041.

15 SECTION 3: Title 7, Chapter 14, Section 30, of the Municipal Code of the City of Las
16 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **7.14.030:** For purposes of the exemptions set forth in Section 7.14.020, [a dog or cat] an animal
18 qualifies as:

19 (A) Incapable of breeding if a licensed veterinarian has so certified, in writing and under
20 oath;

21 (B) Medically unsuited to undergo a spay or neuter procedure if a licensed veterinarian
22 has certified, in writing and under oath, that a spay or neuter procedure would likely cause the animal's death
23 or substantially aggravate a physical condition of the animal. The certification shall indicate the medical basis
24 therefor and whether the unsuitability is permanent or temporary. If temporary, the certificate shall indicate
25 the period of time anticipated that the unsuitability will last. For an exemption to apply beyond that period, a
26 new certificate must be obtained.

SECTION 4: Title 7, Chapter 14, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.14.040: [Puppies and kittens born to dogs and cats] The offspring of animals that have not been spayed or neutered as required by this Chapter are subject to forfeiture, following which they may be given to the care of a local shelter for adoption.

SECTION 5: Title 7, Chapter 14, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.14.050: (A) In order to assist the City in enforcing this Chapter, each pet shop within the City shall provide to the Department of Public Safety, on a quarterly basis, a list of [dogs and cats] dogs, cats, ferrets, rabbits or potbellied pigs sold by the pet shop during that quarter. The list shall include the following information for each [dog or cat:] such animal:

(1) The name and residence address of the buyer.

(2) The address of the location where the [dog or cat] animal will reside, if not the same as the buyer's residence.

(3) The breed and approximate age.

(4) A description, including principal colors.

(B) In order to assist the City in enforcing this Chapter, each pet shop, breeder, pound, shelter, or rescue organization that sells animals listed in Subsection (A), or makes such animals available for adoption, shall:

(1) Provide written notice of the requirements of this Chapter to a person purchasing or adopting such an animal, in a form and with content that have been either provided or approved by the Department of Public Safety, and the Business Licensing Division;

(2) Obtain from such person an acknowledgement of receipt of that notice and the person's written consent to comply with this Chapter; and

(3) Include as part of the purchase or adoption transaction the spaying/neutering of the animal. The pet shop, breeder, pound, shelter, or rescue organization may provide the spay/neuter

1 service itself or provide a voucher or other means by which the service will be provided to the person
2 purchasing or adopting the animal. The cost of the purchase or adoption transaction shall be deemed to
3 include the spay/neuter service, whether or not the cost is separately identified in the written record of the
4 transaction. If the animal is later exempted from the spay/neuter requirement, the cost of the spay/neuter
5 service shall be refunded upon request.

6 [(B)] (C) Failure to comply with [Subsection (A)] Subsection (A) or Subsection (B)
7 of this Section shall be grounds for non-renewal of, or disciplinary action against, a business license.

8 SECTION 6: Title 7, Chapter 14, Section 70, of the Municipal Code of the City of Las
9 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **7.14.070:** (A) Any person who violates Section 7.14.010 is guilty of a misdemeanor and shall be
11 punished as follows:

12 (1) For the first offense, by a fine of two hundred twenty-five dollars.

13 (2) For a second offense, by a fine of five hundred dollars.

14 (3) For a third and subsequent offense, by a fine of one thousand dollars.

15 (B) The penalty set forth in Subsection (A) shall be reduced by eighty percent if proof
16 of sterilization of the [dog or cat] animal is produced within thirty days after issuance of the citation.

17 SECTION 7: Title 7, Chapter 14, of the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 80, reading as
19 follows:

20 **7.14.080:** A person may avoid prosecution or a civil proceeding for a violation of LVMC 7.14.010 by
21 applying for and obtaining a dog or cat fancier's permit, whether or not one would otherwise apply or be
22 available.

23 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
24 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
25 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
26 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby

1 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
2 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
3 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

4 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared to
5 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
6 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
7 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
8 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
9 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
10 of this ordinance shall constitute a separate offense.

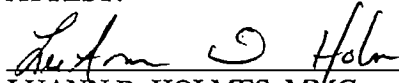
11 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
13 Edition, in conflict herewith are hereby repealed.

14 PASSED, ADOPTED and APPROVED this 20th day of June, 2018.

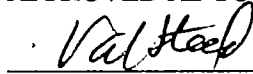
15 APPROVED:

16
17 By 
18 CAROLYN G. GOODMAN, Mayor

19 ATTEST:

20 
21 LUANN D. HOLMES, MMC
22 City Clerk

23 APPROVED AS TO FORM:

24  5-15-18
25 Val Steed, Date
26 Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 6th day of June, 2018, and referred to a committee for recommendation; hereafter
3 the committee reported favorably on said ordinance on the 20th day of June, 2018, which
4 as a regular meeting of said Council; that at said regular meeting, the proposed ordinance
5 was read by title to the City Council as first introduced and adopted by the following vote:

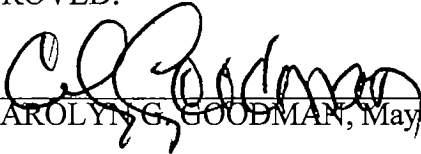
6 VOTING "AYE": Mayor Goodman and Councilmembers, Tarkanian, Anthony, Coffin
7 Fiore, Seroka and Crear

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11
12
13 APPROVED:

14 
15 CAROLYN G. GOODMAN, Mayor

16 ATTEST:

17 
18 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2018 JUN 12 A 11:55

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000988716

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/07/2018 to 06/07/2018, on the following days:

06 / 07 / 18

BILL NO. 2018-16

AN ORDINANCE TO AMEND LVMC CHAPTER 7.14 PERTAINING TO THE SPAYING OR NEUTERING OF ANIMALS; GENERALLY REQUIRING THE SPAYING OR NEUTERING OF FERRETS, RABBITS AND POTBELLED PIGS; REMOVING AN EXEMPTION FROM THE SPAYING OR NEUTERING REQUIREMENT FOR SERVICE ANIMALS; REQUIRING CERTAIN ESTABLISHMENTS THAT SELL OR MAKE AVAILABLE FOR ADOPTION CERTAIN ANIMALS TO PROVIDE NOTIFICATION REGARDING THE REQUIREMENTS OF LVMC CHAPTER 7.14 AND TO INCLUDE THE COST OF SPAYING OR NEUTERING WITHIN THE COST OF TRANSACTIONS REGARDING SUCH ANIMALS; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Steven G. Seroka

Summary: Amends LVMC Chapter 7.14 to generally require the spaying or neutering of ferrets, rabbits and potbellied pigs; remove an exemption from the spaying or neutering requirement for service animals; and require certain establishments that sell or make available for adoption certain animals to provide notification regarding the requirements of LVMC Chapter 7.14 and to include the cost of spaying or neutering within the cost of transactions regarding such animals.

At the City Council meeting of June 6, 2018

BILL NO. 2018-16 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: June 7, 2018
LV Review-Journal


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 7th day of June, 2018

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

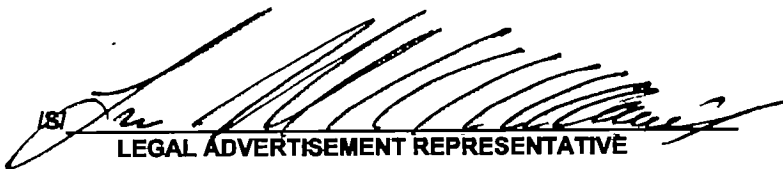
RECEIVED
CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

2018 JUN 28 Account # 22515
Ad Number 0000991436

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/23/2018 to 06/23/2018, on the following days:

06 / 23 / 18


LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 25th day of June, 2018

Notary 



BILL NO. 2018-16
ORDINANCE NO. 6624

AN ORDINANCE TO AMEND LVMC CHAPTER 7.14 PERTAINING TO THE SPAYING OR NEUTERING OF ANIMALS; GENERALLY REQUIRING THE SPAYING OR NEUTERING OF FERRETS, RABBITS AND POTBELLED PIGS; REMOVING AN EXEMPTION FROM THE SPAYING OR NEUTERING REQUIREMENT FOR SERVICE ANIMALS; REQUIRING CERTAIN ESTABLISHMENTS THAT SELL OR MAKE AVAILABLE FOR ADOPTION CERTAIN ANIMALS TO PROVIDE NOTIFICATION REGARDING THE REQUIREMENTS OF LVMC CHAPTER 7.14 AND TO INCLUDE THE COST OF SPAYING OR NEUTERING WITHIN THE COST OF TRANSACTIONS REGARDING SUCH ANIMALS; AND PROVIDING FOR OTHER RELATED MATTERS.

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 6th day of June, 2018, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 20th day of June, 2018 which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE":
Mayor Goodman and
Councilmembers Tarkanjan,
Anthony, Coffin, Seroka, Flore
and Crear

VOTING "NAY": NONE
EXCUSED: NONE

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STREET, LAS VEGAS, NEVADA

PUB: June 23, 2018 /
LV Review-Journal